# **HOUSE JOURNAL**

# TWENTY-FOURTH DAY

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# **MORNING SESSION**

The House was called to order by Speaker Curtis at 10:00 a.m.

Roll call showed all members present except Representatives D. Gregg Buxton, Mike Morley, and Stephen Mascaro, excused.

Prayer by Ruth Urquhart, daughter of Representative Stephen H. Urquhart.

Pledge of Allegiance by Ike Urquhart, son of Representative Stephen H. Urquhart.

#### COMMUNICATIONS FROM THE SENATE

Mr. Speaker:

February 8, 2005

The Senate passed, as amended, **S.B. 126**, MEDICAL BENEFITS RECOVERY ACT AMENDMENTS, by Senator S. Killpack, and it is transmitted for consideration.

Annette B. Moore Secretary of the Senate

Communication filed. **S.B. 126**, read the first time by short title and referred to the Rules Committee.

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Mr. Speaker:

February 8, 2005

The President of the Senate has signed **H.B. 51**, ELECTRONIC PAYMENTS TO LOCAL GOVERNMENT ENTITIES, by Representative J. Murray, and it is transmitted for the signature of the Speaker.

Annette B. Moore Secretary of the Senate

Communication filed. **H.B. 51** was signed by the Speaker in open session, in the presence of the House, and referred to the Rules Committee to be enrolled and transmitted to the Governor.

#### REPORTS OF STANDING COMMITTEES

Mr. Speaker:

February 8, 2005

The Law Enforcement and Criminal Justice Committee recommends **H.B. 184**, DOMESTIC VIOLENCE – CHANGE OF LOCKS ON RENTAL PROPERTY, by Representative L. Shurtliff, be replaced and reports a favorable recommendation on **1st Sub. H.B. 184**, CRIME VICTIMS – CHANGE OF LOCKS ON RENTAL PROPERTY with the following amendments:

- 1. Page 2, Lines 45–47:
  - 45 (c) Notwithstanding any rental agreement, an owner who installs a new lock under
  - 46 Subsection (3)(a)  $\{-\frac{may}{}\}$  shall refuse to provide a copy of the key that opens the new lock to the
  - 47 perpetrator of the act listed in Subsection (1).

And further recommends that it be considered read for the first and second time and placed on the Third Reading Calendar for House Bills; and

The Law Enforcement and Criminal Justice Committee reports a favorable recommendation on **H.B. 228**, REMOVAL OR DEFACEMENT OF POLITICAL SIGNS, by Representative G. Hughes; and

The Law Enforcement and Criminal Justice Committee reports a favorable recommendation on **S.B. 30**, AMENDMENTS TO SEARCH WARRANTS, by Senator D. Thomas, and recommends it be placed on the Consent Calendar; and

The Law Enforcement and Criminal Justice Committee reports a favorable recommendation on **S.B. 118**, IDENTITY FRAUD AMENDMENTS, by Senator C. Walker, and recommends it be placed on the Consent Calendar.

DeMar "Bud" Bowman, Chair

Reports filed. On motion of Representative Bowman, the reports of the Law Enforcement and Criminal Justice committee were adopted.

- **Sub. H.B. 184**, as amended, and **H.B. 228**, read the second time by short title and placed on the calendar for third reading.
- **S.B. 30** and **S.B. 118**, read the second time by short title and placed on the Consent Calendar.

#### CONSENT CALENDAR

**S.B. 90**, COUNTY OFFICERS SERVING ON BOARDS OF COUNTY MENTAL HEALTH AND SUBSTANCE ABUSE PROVIDERS, read the third time by short title and placed on its final passage.

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On motion of Representative Alexander, the House voted to lift **S.B. 90** from the Consent Calendar and place it at the bottom of the Third Reading Calendar.

#### THIRD READING CALENDAR

**S.J.R. 13**, JOINT RESOLUTION AMENDING INTERIM LEGISLATIVE RULES, read the third time by short title and placed on its final passage.

On motion of Representative Lockhart, the House voted to circle **S.J.R. 13**.

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- **S.B. 32**, LIMITATION OF LANDOWNER LIABILITY FOR PUBLIC RECREATION, read the third time by short title and placed on its final passage.
  - **S.B. 32** then passed on the following roll call:

Yeas, 65; Nays, 0; Absent or not voting, 10.

# Voting in the affirmative were: Representatives

Aagard	Alexander	S. Allen	Barrus
Becker	Bigelow	Biskupski	Bowman
Buttars	Christensen	D. Clark	Cosgrove
D. Cox	Daw	Dayton	Dee
Donnelson	Dougall	Duckworth	Dunnigan
Ferrin	Ferry	Fisher	Fowlke
Frank	Gibson	Goodfellow	Gowans
Hansen	Hardy	Harper	Hendrickson
Hogue	Holdaway	Hughes	Hunsaker
E. Hutchings	B. Johnson	Jones	King
Kiser	Last	Lawrence	Lockhart
Mathis	McGee	Menlove	Morgan
Moss	Murray	Noel	Oda
Painter	Ray	Romero	Shurtliff
G. Snow	Tilton	Ure	Walker
Wheatley	Wheeler	Wiley	Wyatt
Curtis			

#### **Absent or not voting were:** Representatives

Adams	Bourdeaux	Buxton	S. Clark
Litvack	Mascaro	Morley	Newbold
Urquhart	Wallace		

**S.B. 32** was signed by the Speaker in open session, in the presence of the House, and returned to the Senate for signature of the President, enrolling and transmission to the Governor.

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- **S.B. 94**, RESTITUTION AMENDMENTS, read the third time by short title and placed on its final passage.
  - **S.B. 94** then passed on the following roll call:

#### Yeas, 64; Nays, 0; Absent or not voting, 11.

### **Voting in the affirmative were:** Representatives

8	1		
Aagard	Alexander	S. Allen	Barrus
Becker	Bigelow	Biskupski	Bowman
Buttars	Christensen	D. Clark	Cosgrove
D. Cox	Daw	Dayton	Dee
Donnelson	Dougall	Duckworth	Dunnigan
Ferrin	Ferry	Fisher	Fowlke
Frank	Gibson	Goodfellow	Gowans
Hansen	Hardy	Harper	Hendrickson
Hogue	Holdaway	Hunsaker	E. Hutchings
B. Johnson	Jones	King	Kiser
Last	Lawrence	Lockhart	Mathis
Menlove	Morgan	Moss	Murray
Noel	Oda	Painter	Ray
Romero	G. Snow	Tilton	Ure
Urquhart	Walker	Wallace	Wheatley
Wheeler	Wiley	Wyatt	Curtis

### **Absent or not voting were:** Representatives

Adams	Bourdeaux	Buxton	S. Clark
Hughes	Litvack	Mascaro	McGee
Morley	Newbold	Shurtliff	

**S.B. 94** was signed by the Speaker in open session, in the presence of the House, and returned to the Senate for signature of the President, enrolling and transmission to the Governor.

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- **S.B. 103**, LIENS ON AIRCRAFT, read the third time by short title and placed on its final passage.
  - **S.B. 103** then passed on the following roll call:

Yeas, 62; Nays, 0; Absent or not voting, 13.

### **Voting in the affirmative were:** Representatives

Aagard	Alexander	S. Allen	Barrus
Becker	Bigelow	Biskupski	Bowman
Buttars	Christensen	D. Clark	Cosgrove
D. Cox	Daw	Dayton	Dee
Donnelson	Dougall	Duckworth	Dunnigan
Ferrin	Ferry	Fisher	Fowlke
Frank	Gibson	Goodfellow	Hansen
Hardy	Harper	Hendrickson	Hogue
Holdaway	Hughes	Hunsaker	E. Hutchings
B. Johnson	Jones	King	Last
Lawrence	Lockhart	Mathis	Menlove
Morgan	Moss	Murray	Oda
Painter	Ray	Romero	Shurtliff
G. Snow	Tilton	Urquhart	Walker
Wallace	Wheatley	Wheeler	Wiley
Wyatt	Curtis		

### Absent or not voting were: Representatives

Adams	Bourdeaux	Buxton	S. Clark
Gowans	Kiser	Litvack	Mascaro
McGee	Morley	Newbold	Noel
Ure			

**S.B.** 103 was signed by the Speaker in open session, in the presence of the House, and returned to the Senate for signature of the President, enrolling and transmission to the Governor.

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- **S.B.** 37, MOTOR VEHICLE BUSINESS REGULATION ACT AMENDMENTS, read the third time by short title and placed on its final passage.
  - **S.B. 37**, as amended, then passed on the following roll call:

# Yeas, 62; Nays, 3; Absent or not voting, 10.

Aagard	Alexander	S. Allen	Becker
Bigelow	Biskupski	Bourdeaux	Bowman
Christensen	D. Clark	Cosgrove	D. Cox
Daw	Dayton	Dee	Donnelson
Dougall	Duckworth	Dunnigan	Ferrin

Ferry	Fowlke	Frank	Gibson
Goodfellow	Gowans	Hansen	Hardy
Hendrickson	Hogue	Holdaway	Hughes
Hunsaker	E. Hutchings	Jones	King
Kiser	Last	Lawrence	Litvack
Mathis	McGee	Menlove	Morgan
Moss	Murray	Noel	Oda
Painter	Ray	Romero	Shurtliff
G. Snow	Tilton	Ure	Urquhart
Walker	Wallace	Wheatley	Wheeler
Wiley	Wyatt		

Voting in the negative were: Representatives

Barrus Fisher Lockhart

**Absent or not voting were:** Representatives

Adams Buttars Buxton S. Clark Harper B. Johnson Mascaro Morley

Newbold Curtis

**S.B. 37**, as amended, returned to the Senate for further consideration.

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- **S.B. 40**, REGULATION OF TITLE INSURANCE INDUSTRY, read the third time by short title and placed on its final passage.
  - **S.B. 40** then passed on the following roll call:

Yeas, 67; Nays, 0; Absent or not voting, 8.

Aagard	Adams	S. Allen	Barrus
Becker	Bigelow	Biskupski	Bourdeaux
Bowman	Buttars	Christensen	D. Clark
S. Clark	Cosgrove	D. Cox	Daw
Dayton	Dee	Donnelson	Dougall
Duckworth	Dunnigan	Ferrin	Ferry
Fisher	Frank	Gibson	Goodfellow
Gowans	Hansen	Hardy	Harper
Hendrickson	Hogue	Holdaway	Hughes
Hunsaker	E. Hutchings	B. Johnson	Jones
King	Kiser	Last	Lawrence

Litvack	Lockhart	Mathis	McGee
Menlove	Morgan	Moss	Murray
Newbold	Oda	Painter	Ray
Romero	Shurtliff	G. Snow	Tilton
Urquhart	Walker	Wallace	Wheatley
Wheeler	Wiley	Wyatt	

**Absent or not voting were:** Representatives

Alexander Buxton Fowlke Mascaro Morley Noel Ure Curtis

**S.B. 40** was signed by the Speaker in open session, in the presence of the House, and returned to the Senate for signature of the President, enrolling and transmission to the Governor.

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**Sub. S.B. 106**, UTAH RELIGIOUS LAND USE ACT, read the third time by short title and placed on its final passage.

**Sub. S.B. 106** then passed on the following roll call:

### Yeas, 68; Nays, 1; Absent or not voting, 6.

#### **Voting in the affirmative were:** Representatives

Aagard Adams S. Allen Barrus Becker Bourdeaux Bigelow Biskupski Bowman Buttars Christensen D. Clark S. Clark Cosgrove D. Cox Daw Donnelson Dougall Dayton Dee Duckworth Ferrin Dunnigan Ferry Fowlke Fisher Frank Gibson Goodfellow Gowans Hansen Hardy Hendrickson Holdaway Harper Hogue B. Johnson Hughes Hunsaker E. Hutchings Jones King Kiser Last Lawrence Litvack Lockhart Mathis McGee Menlove Moss Murray Newbold Oda Painter Noel Shurtliff G. Snow Ray Romero Tilton Walker Wallace Urquhart Wheatley Wheeler Wiley Wyatt

**Voting in the negative was:** Representative

Ure

**Absent or not voting were:** Representatives

Alexander Buxton Mascaro Morgan

Morley Curtis

Sub. S.B. 106, as amended, returned to the Senate for further consideration.

#### UNFINISHED BUSINESS

On motion of Representative Ferry, the House voted to uncircle **S.B. 21.** 

**S.B. 21**, LIMITATION ON LIABILITY REGARDING LIQUEFIED PETROLEUM GAS, was before the House on its final passage.

Representative Ferry proposed the following amendment:

- 1. Page 2, Lines 36 through 40 Senate Committee Amendments 1–20–2005
  - 36 (2) There is a rebuttable presumption that a seller, supplier, installer, handler, or
  - 37 transporter of liquified petroleum gas and the necessary equipment and appliances {-have } , licensed in accordance with Title 53, Chapter 7, Part 3, Liquified Petroleum Gas Act, has
  - 38 <u>followed all applicable standards and procedures established by the</u> \$ [fire code] <u>LIQUIFIED</u>
  - 38a PETROLEUM GAS BOARD {- adopted in
  - 39 <u>accordance with \${Section 53-7-106 by the Utah Fire Prevention Board pursuant to Section</u>
  - 40 <u>53-7-204</u>] <u>THE PROVISIONS OF TITLE 53, CHAPTER 7, PART 3, LIQUIFIED PETROLEUM GAS ACT</u>§ } .

Representative Ferry's motion to amend passed on a voice vote.

**S.B. 21**, as amended, then passed on the following roll call:

Yeas, 68; Nays, 2; Absent or not voting, 5.

**Voting in the affirmative were:** Representatives

AagardAdamsS. AllenBarrusBeckerBigelowBiskupskiBourdeaux

Bowman	Buttars	Christensen	D. Clark
S. Clark	Cosgrove	D. Cox	Daw
Dayton	Dee	Donnelson	Dougall
Dunnigan	Ferrin	Ferry	Fisher
Fowlke	Frank	Gibson	Goodfellow
Gowans	Hardy	Harper	Hendrickson
Hogue	Holdaway	Hughes	Hunsaker
E. Hutchings	B. Johnson	Jones	King
Kiser	Last	Lawrence	Litvack
Lockhart	Mathis	McGee	Menlove
Morgan	Moss	Murray	Newbold
Noel	Oda	Painter	Ray
Romero	Shurtliff	G. Snow	Tilton
Ure	Urquhart	Walker	Wallace
Wheatley	Wheeler	Wiley	Wyatt

**Voting in the negative were:** Representatives

Duckworth Hansen

**Absent or not voting were:** Representatives

Alexander Buxton Mascaro Morley

Curtis

**S.B. 21**, as amended, returned to the Senate for further consideration.

#### THIRD READING CALENDAR

**S.J.R.** 6, SPACE EXPLORATION RESOLUTION, read the third time by short title and placed on its final passage.

On motion of Representative Ferry, the House voted to circle **S.J.R. 6**.

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**Sub. S.B. 44**, GOVERNMENT RECORDS AMENDMENTS, read the third time by short title and placed on its final passage.

On motion of Representative Ferry, the House voted to circle **Sub. S.B. 44**.

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**S.B. 86**, 2004 GENERAL OBLIGATION BOND AMENDMENTS, read the third time by short title and placed on its final passage.

On motion of Representative Bigelow, the House voted to circle S.B. 86.

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- **S.B. 117**, REPEAL OF UTAH TOMORROW STRATEGIC PLANNING COMMITTEE, read the third time by short title and placed on its final passage.
  - **S.B. 117** then passed on the following roll call:

### Yeas, 69; Nays, 0; Absent or not voting, 6.

### **Voting in the affirmative were:** Representatives

Aagard	Adams	S. Allen	Barrus
Becker	Bigelow	Biskupski	Bourdeaux
Bowman	Buttars	Christensen	D. Clark
S. Clark	Cosgrove	D. Cox	Daw
Dayton	Dee	Donnelson	Dougall
Duckworth	Dunnigan	Ferrin	Ferry
Fisher	Fowlke	Frank	Gibson
Goodfellow	Gowans	Hansen	Hardy
Harper	Hendrickson	Hogue	Holdaway
Hughes	Hunsaker	E. Hutchings	Jones
King	Kiser	Last	Lawrence
Litvack	Lockhart	Mathis	McGee
Menlove	Morgan	Moss	Murray
Newbold	Noel	Oda	Painter
Ray	Romero	Shurtliff	G. Snow
Tilton	Ure	Urquhart	Walker
Wallace	Wheatley	Wheeler	Wiley
Wyatt			

### **Absent or not voting were:** Representatives

Alexander Buxton B. Johnson Mascaro Morley Curtis

**S.B. 117** was signed by the Speaker in open session, in the presence of the House, and returned to the Senate for signature of the President, enrolling and transmission to the Governor.

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**S.B. 88**, CREATION OF LOCAL DISTRICTS, read the third time by short title and placed on its final passage.

#### **S.B. 88** then passed on the following roll call:

### Yeas, 70; Nays, 0; Absent or not voting, 5.

### Voting in the affirmative were: Representatives

Aagard	Adams	S. Allen	Barrus
Becker	Bigelow	Bourdeaux	Bowman
Buttars	Christensen	D. Clark	S. Clark
Cosgrove	D. Cox	Daw	Dayton
Dee	Donnelson	Dougall	Duckworth
Dunnigan	Ferrin	Ferry	Fisher
Fowlke	Frank	Gibson	Goodfellow
Gowans	Hansen	Hardy	Harper
Hendrickson	Hogue	Holdaway	Hughes
Hunsaker	E. Hutchings	B. Johnson	Jones
King	Kiser	Last	Lawrence
Litvack	Lockhart	Mathis	McGee
Menlove	Morgan	Moss	Murray
Newbold	Noel	Oda	Painter
Ray	Romero	Shurtliff	G. Snow
Tilton	Ure	Urquhart	Walker
Wallace	Wheatley	Wheeler	Wiley
Wyatt	Curtis		

#### **Absent or not voting were:** Representatives

Alexander Biskupski Buxton Mascaro Morley

**S.B. 88** was signed by the Speaker in open session, in the presence of the House, and returned to the Senate for signature of the President, enrolling and transmission to the Governor.

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**S.B. 47**, WRONGFUL LIEN OFFENSES, read the third time by short title and placed on its final passage.

On motion of Representative Mathis, the House voted to circle S.B. 47.

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**S.B. 115**, PERMANENT TOTAL DISABILITY AMENDMENTS, read the third time by short title and placed on its final passage.

On motion of Representative Ferry, the House voted to circle **S.B. 115**.

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S.B. 83, MEDICAL DECISIONS OF A PARENT OR GUARDIAN, read the third time by short title and placed on its final passage.

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**S.B. 83**, as amended, then passed on the following roll call:

### Yeas, 67; Nays, 0; Absent or not voting, 8.

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#### **Voting in the affirmative were:** Representatives Adame

Aagaru	Adams	S. Allen	Barrus
Becker	Bigelow	Biskupski	Bowman
Buttars	Christensen	D. Clark	S. Clark
Cosgrove	D. Cox	Daw	Dayton
Dee	Donnelson	Dougall	Duckworth
Dunnigan	Ferrin	Ferry	Fisher
Fowlke	Frank	Gibson	Gowans
Hansen	Hardy	Harper	Hendrickson
Hogue	Holdaway	Hughes	Hunsaker
E. Hutchings	B. Johnson	Jones	King
Kiser	Last	Lawrence	Litvack
Lockhart	Mathis	McGee	Menlove
Morgan	Moss	Murray	Newbold
Noel	Oda	Ray	Romero
Shurtliff	G. Snow	Tilton	Ure
Urquhart	Walker	Wheatley	Wheeler
Wiley	Wyatt	Curtis	

#### **Absent or not voting were:** Representatives

Alexander	Bourdeaux	Buxton	Goodfellow
Mascaro	Morley	Painter	Wallace

S.B. 83, as amended, returned to the Senate for further consideration.

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Sub. S.B. 108, TELECOMMUNICATIONS REVISIONS, read the third time by short title and placed on its final passage.

**Sub. S.B. 108** then passed on the following roll call:

Yeas, 67; Nays, 0; Absent or not voting, 8.

### **Voting in the affirmative were:** Representatives

Adams	S. Allen	Barrus	Becker
Bigelow	Biskupski	Bowman	Christensen
D. Clark	S. Clark	Cosgrove	D. Cox
Daw	Dayton	Dee	Donnelson
Dougall	Duckworth	Dunnigan	Ferrin
Ferry	Fisher	Fowlke	Frank
Gibson	Goodfellow	Gowans	Hansen
Hardy	Harper	Hendrickson	Hogue
Holdaway	Hughes	Hunsaker	E. Hutchings
B. Johnson	Jones	King	Kiser
Last	Lawrence	Litvack	Lockhart
Mathis	McGee	Menlove	Morgan
Moss	Murray	Newbold	Noel
Oda	Painter	Ray	Romero
Shurtliff	G. Snow	Tilton	Ure
Urquhart	Walker	Wheatley	Wheeler
Wiley	Wyatt	Curtis	

### **Absent or not voting were:** Representatives

Aagard	Alexander	Bourdeaux	Buttars
Buxton	Mascaro	Morley	Wallace

**Sub. S.B. 108** was signed by the Speaker in open session, in the presence of the House, and returned to the Senate for signature of the President, enrolling and transmission to the Governor.

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**Sub. S.B. 24**, WASTE AMENDMENTS, read the third time by short title and placed on its final passage.

**Sub. S.B. 24** then passed on the following roll call:

# Yeas, 57; Nays, 13; Absent or not voting, 5.

Aagard	Adams	Alexander	S. Allen
Barrus	Becker	Bigelow	Biskupski
Bowman	Buttars	Christensen	D. Clark
S. Clark	Cosgrove	D. Cox	Dee
Donnelson	Dougall	Duckworth	Dunnigan
Ferry	Fisher	Goodfellow	Hansen

Hardy	Harper	Hogue	Holdaway
Hunsaker	E. Hutchings	Jones	Kiser
Last	Lawrence	Litvack	Lockhart
Mathis	McGee	Menlove	Morgan
Moss	Murray	Newbold	Noel
Painter	Ray	Romero	Shurtliff
G. Snow	Ure	Urquhart	Walker
Wheatley	Wheeler	Wiley	Wyatt
Curtis			

### **Voting in the negative were:** Representatives

Daw	Ferrin	Fowlke	Frank
Gibson	Gowans	Hendrickson	Hughes
B. Johnson	King	Oda	Tilton

Wallace

### **Absent or not voting were:** Representatives

Bourdeaux	Buxton	Dayton	Mascaro

Morley

**Sub. S.B. 24** was signed by the Speaker in open session, in the presence of the House, and returned to the Senate for signature of the President, enrolling and transmission to the Governor.

#### MISCELLANEOUS BUSINESS

On motion of Representative Frank, the House voted to print the following intent language in the House Journal.

#### INTENT LANGUAGE FOR SUBSTITUTE S.B. 24

During the course of the last several years, the Legislature has reviewed the contracts between Envirocare and the banks involving disposition and management of funds securing certain letters of credit issued by Envirocare with the state as beneficiary. Because of the Legislature's concerns about the state's position under those contracts, the state agencies responsible for regulating Envirocare reviewed those contracts and have assured the Legislature that those contracts have been revised to provide further protection to the state. During the same period, the Legislature sought a legal opinion from its counsel on whether or not the state could collect on certain letters of credit provided by Envirocare as long—term security for Envirocare's closure and post closure expenses if Envirocare declared bankruptcy. That legal opinion concluded that, although the bankruptcy court might delay payment on the letters of credit, it is likely that the

state would be able to collect the full amount provided by the letters of credit, but might need to incur litigation expenses.

It is the intent of the Legislature that the agencies responsible for regulating and overseeing Envirocare's solid, hazardous, and radioactive waste disposal programs continue to review, and encourage the revision of, the contracts as necessary to ensure that the state is adequately protected and that the office of the attorney general continue to monitor bankruptcy law developments to ensure that letters of credit continue to provide legally enforceable security for the closure and post–closure costs that will someday be associated with the Envirocare facilities.

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On motion of Representative Alexander, the House voted to recess until 2:00 p.m.

#### AFTERNOON SESSION

The House was called to order by Speaker Curtis at 2:00 p.m.

#### COMMUNICATIONS FROM THE SENATE

Mr. Speaker:

February 9, 2005

The Senate passed **S.B. 54**, PROPERTY TAX CONFIDENTIALITY AMENDMENTS, by Senator H. Stephenson, and it is transmitted for consideration; and

The Senate passed **S.B. 136**, JUSTICE COURT OPERATIONS AMENDMENTS, by Senator E. Mayne, and it is transmitted for consideration; and

The Senate passed, as substituted, and amended **1st Sub. S.B. 31**, LOCAL GOVERNMENT AMENDMENTS, by Senator D. Thomas, and it is transmitted for consideration; and

The Senate passed, as amended, **S.B. 53**, LAND VALUE PROPERTY TAX STUDY, by Senator H. Stephenson, and it is transmitted for consideration; and

The Senate passed, as amended, **S.B. 121**, PROPERTY TAX EXEMPTION AMENDMENTS, by Senator C. Bramble, and it is transmitted for consideration; and

The Senate passed, as substituted, and amended **1st Sub. S.B. 135**, DRUG COURTS PILOT PROJECT, by Senator L. Hillyard, and it is transmitted for consideration.

### Annette B. Moore Secretary of the Senate

Communications filed. **S.B. 54, S.B. 136, Sub. S.B. 31, S.B. 53, S.B. 121**, and **Sub. S.B. 135**, read the first time by short title and referred to the Rules Committee.

#### REPORTS OF STANDING COMMITTEES

Mr. Speaker:

February 8, 2005

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **H.B. 230**, RECYCLING OF WASTE TIRES, by Representative D. Ure, with the following amendments:

- 1. Page 1, Lines 14 through 15:
  - 14  $\{-\$85-\}$   $\underline{\$90}$  as partial reimbursement for each ton of waste tires converted to crumb
  - 15 rubber;
- 2. Page 3, Lines 59 through 62:
  - 59 (2) [(a)] Subject to the limitations in Section 19–6–816, a recycler is entitled to [\$75]:

  - 61 waste tires converted to crumb rubber, if a contract exists for the sale of the crumb rubber for
  - 62 use as a component in an ultimate product[-];; and

The Natural Resources, Agriculture, and Environment Committee recommends **H.B. 83**, WEIGHTS AND MEASURES AMENDMENTS, by Representative D. Ure, be replaced and favorably recommends **1st Sub. H.B. 83**, WEIGHTS AND MEASURES AMENDMENTS.

Roger E. Barrus, Chair

Reports filed. On motion of Representative Barrus, the reports of the Natural Resources, Agriculture, and Environment committee were adopted.

**H.B. 230**, as amended, and **Sub. H.B. 83**, read the second time by short title and placed on the calendar for third reading.

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Mr. Speaker:

February 8, 2005

The Judiciary Committee recommends **H.B. 204**, STATUTE OF LIMITATIONS AMENDMENTS, by Representative D. Clark, be replaced and favorably recommends **1st Sub. H.B. 204**, STATUTE OF LIMITATIONS AMENDMENTS; and

The Judiciary Committee reports a favorable recommendation on **H.B. 131**, ACCESS TO HEALTH CARE FACILITIES AND PLACES OF WORSHIP, by Representative D. Aagard, with the following amendments:

- 1. Page 2, Lines 47 through 54:
  - 47 (2) (a) A person is guilty of preventing or impeding passage to a health care facility or
  - 48 place of worship if the person <u>intentionally or knowingly obstructs, detains, hinders, impedes, or blocks</u>
  - 49 <u>another person's entry to or exit from the health care facility or place of worship.</u>
  - 50 (b) A person who violates Subsection (2)(a) is guilty of a class B misdemeanor.
  - 51 (3) (a) A person is guilty of unlawfully interfering with passage to a health care facility
  - 52 <u>or place of worship if, within a radius of 100 feet from any entrance door to a health care</u>
  - 53 <u>facility or place of worship, the person</u> <u>intentionally</u>
  - or knowingly approaches within eight feet of another
  - 54 person for the purpose of:; and

The Judiciary Committee reports a favorable recommendation on **1st Sub. H.B. 56**, DIVORCE TASK FORCE, by Representative P. Wallace; and

The Judiciary Committee recommends **S.B. 42**, ALCOHOL RESTRICTED DRIVERS, by Senator C. Walker, be replaced and favorably recommends **1st Sub. S.B. 42**. ALCOHOL RESTRICTED DRIVERS.

James A. Ferrin, Chair

Reports filed. On motion of Representative Ferrin, the reports of the Judiciary committee were adopted.

**Sub. H.B. 204, H.B. 131**, as amended, **Sub. H.B. 56**, and **Sub. S.B. 42**, read the second time by short title and placed on the calendar for third reading.

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Mr. Speaker:

February 9, 2005

The Public Utilities and Technology Committee reports a favorable recommendation on **1st Sub. S.B. 26**, PUBLIC UTILITIES AMENDMENTS, by Senator G. Bell.

Sheryl L. Allen, Chair

Report filed. On motion of Representative Alexander, the report of the Public Utilities and Technology committee was adopted.

**Sub. S.B. 26**, read the second time by short title and placed on the calendar for third reading.

\* \* \*

Mr. Speaker:

February 9, 2005

The Business and Labor Committee reports a favorable recommendation on **H.B. 85**, HEALTH INSURANCE HIGH RISK POOL – ELIGIBILITY AMENDMENTS, by Representative D. Litvack; and

The Business and Labor Committee reports a favorable recommendation on **H.B. 263**, INSURERS REHABILITATION AND LIQUIDATION, by Representative J. Dougall, with the following amendments:

- 1. Page 1, Lines 15 through 16:
  - 15 ▶ addresses payments by reinsurers;
  - ▶ clarifies the application of the bill to liquidation proceedings instituted before July 1, 2007; and
  - 16 ▶ makes technical changes.
- 2. Page 1, Lines 19 through 20:
  - 19 Other Special Clauses:
  - 20 {—None—} This bill takes effect on July 1, 2007
- 3. Page 2, Lines 42 through 45:
  - 42 (c) An estimation made pursuant to this section:
  - 43 (i)  $\{-\underline{(A)}\}$  shall be made  $\underline{\underline{:}}$   $\underline{(A)}$  in a commercially reasonable and actuarially sound manner [-1]; or

- 44 (B) upon another accepted and verifiable method of determining, proving, and
- 45 allowing contingent, unliquidated, or immature claims with reasonable certainty; and
- 4. Page 2, Lines 52 through 54:
  - 52 (2) Contingent, unliquidated, and immature claims shall not share in any distribution to
  - 53 creditors of an insurer under Section 31A–27–336 until the liability, value, and due date of the
  - 54 claims have been proved, allowed, and adjudicated.
  - (3) A liquidation proceeding instituted before July 1, 2007 shall be administered in accordance with the law in effect before July 1, 2007.
- 5. Page 5, Lines 131 through 132:
  - 131 (4) The obligation of a reinsurer to make payments to the insurer shall be determined
  - 132 on the basis of reported claims that have been allowed pursuant to Section 31A–27–336.
  - (5) A liquidation proceeding instituted before July 1, 2007 shall be administered in accordance with the law in effect before July 1, 2007. Section 3. Effective Date

This bill takes effect on July 1, 2007.; and

The Business and Labor Committee reports a favorable recommendation on **H.B. 269**, SALES MARKETING REQUIREMENTS, by Representative M. Noel; and

The Business and Labor Committee reports a favorable recommendation on **H.B. 283**, REAL ESTATE AMENDMENTS, by Representative G. Snow, and recommends it be placed on the Consent Calendar.

Stephen D. Clark, Chair

Reports filed. On motion of Representative S. Clark, the reports of the Business and Labor committee were adopted.

- **H.B. 85, H.B. 263**, as amended, and **H.B. 269**, read the second time by short title and placed on the calendar for third reading.
- **H.B. 283**, read the second time by short title and placed on the Consent Calendar.

\* \* \*

Mr. Speaker:

February 9, 2005

The Education Committee recommends **H.B. 63**, SCHOOL DISTRICT AMENDMENTS, by Representative D. Cox, be replaced and favorably recommends **1st Sub. H.B. 63**, SCHOOL DISTRICT AMENDMENTS; and

The Education Committee recommends **H.B. 84**, READING REQUIREMENTS FOR STUDENT ADVANCEMENT, by Representative K. Morgan, be replaced and reports a favorable recommendation on **1st Sub. H.B. 84**, READING REQUIREMENTS FOR STUDENT ADVANCEMENT with the following amendments:

1. Page 2, Line 40:
After "programs," delete "and" and insert "or"; and

The Education Committee recommends **H.B. 151**, SCHOOL COMMUNITY COUNCILS, by Representative J. Dougall, be replaced and favorably recommends **3rd Sub. H.B. 151**, SCHOOL COMMUNITY COUNCILS; and

The Education Committee reports a favorable recommendation on **H.B. 206**, CHARTER SCHOOL REPORTING, by Representative C. Moss; and

The Education Committee reports a favorable recommendation on **H.B. 231**, SCHOOL DISTRICT BOUNDARIES, by Representative M. Noel; and

The Education Committee reports a favorable recommendation on **S.B. 120**, ALLOCATION OF PROFITS FROM SCHOOL AND INSTITUTIONAL TRUST LANDS, by Senator T. Hatch, with the following amendments:

- 1. Page 1, Lines 13 through 16:
  - 13 requires that trust lands revenues distributed for the benefit of the state's normal
  - 14 schools shall be allocated to {-colleges of education-} institutions within the state system of higher
  - 15 education in proportion to the number of bachelor's degrees awarded by {-the colleges}
  - 16 of education those institutions in the previous fiscal year.
- Page 2, Lines 28 through 33
   Senate Committee Amendments 1–26–2005:

- 28 <u>Money distributed for the benefit of the state's normal schools, as provided under the</u>
- 29 <u>Utah Enabling Act.</u> § <u>Section 12.</u> § <u>Utah Constitution Article X.</u> Section 7, Utah Constitution
- 29a Article XX,
- 30 <u>Section 2, and Sections 53C-3-101 and 53C-3-103, shall be allocated to</u> {-the colleges of
- 31 <u>education</u> } <u>institutions</u> <u>within the state system of higher education</u>, as defined in Section 53B-1-102, <u>that offer bachelor's degrees in education</u> <u>in</u>
- 32 proportion to the number of bachelor's degrees awarded by eolleges of education } those institutions in the
- 33 previous fiscal year.

Margaret Dayton, Chair

Reports filed. On motion of Representative Dayton, the reports of the Education committee were adopted.

Sub. H.B. 63, Sub. H.B. 84, 3rd Sub. H.B. 151, H.B. 206, H.B. 231, and S.B. 120, as amended, read the second time by short title and placed on the calendar for third reading.

#### THIRD READING CALENDAR

- **S.C.R. 4**, RESOLUTION APPROVING UTAH RECREATIONAL LAND EXCHANGE, read the third time by short title and placed on its final passage.
  - **S.C.R. 4** then passed on the following roll call:

Yeas, 72; Nays, 0; Absent or not voting, 3.

Aagard	Adams	Alexander	S. Allen
Barrus	Becker	Bigelow	Biskupski
Bourdeaux	Bowman	Buttars	Christensen
D. Clark	S. Clark	Cosgrove	D. Cox
Daw	Dayton	Dee	Donnelson
Dougall	Duckworth	Dunnigan	Ferrin
Ferry	Fisher	Fowlke	Frank
Gibson	Goodfellow	Gowans	Hansen
Hardy	Hendrickson	Hogue	Holdaway

Hughes	Hunsaker	E. Hutchings	B. Johnson
Jones	King	Kiser	Last
Lawrence	Litvack	Lockhart	Mascaro
Mathis	McGee	Menlove	Morgan
Moss	Murray	Newbold	Noel
Oda	Painter	Ray	Romero
Shurtliff	G. Snow	Tilton	Ure
Urquhart	Walker	Wallace	Wheatley
Wheeler	Wiley	Wyatt	Curtis

**Absent or not voting were:** Representatives

Buxton Harper Morley

**S.C.R. 4** was signed by the Speaker in open session, in the presence of the House, and returned to the Senate for signature of the President, enrolling and transmission to the Governor.

\* \* \*

**S.B. 98**, MOTOR VEHICLE REGISTRATION AND TITLE AMENDMENTS, read the third time by short title and placed on its final passage.

On motion of Representative Alexander, the House voted to circle **S.B. 98**.

#### **UNFINISHED BUSINESS**

On motion of Representative Lockhart, the House voted to uncircle S.J.R. 13.

- **S.J.R. 13**, JOINT RESOLUTION AMENDING INTERIM LEGISLATIVE RULES, was before the House on its final passage.
  - **S.J.R. 13** then passed on the following roll call:

Yeas, 73; Nays, 0; Absent or not voting, 2.

Aagard	Adams	Alexander	S. Allen
Barrus	Becker	Bigelow	Biskupski
Bourdeaux	Bowman	Buttars	Christensen
D. Clark	S. Clark	Cosgrove	D. Cox
Daw	Dayton	Dee	Donnelson
Dougall	Duckworth	Dunnigan	Ferrin
Ferry	Fisher	Fowlke	Frank
Gibson	Goodfellow	Gowans	Hansen

Hardy	Harper	Hendrickson	Hogue
Holdaway	Hughes	Hunsaker	E. Hutchings
B. Johnson	Jones	King	Kiser
Last	Lawrence	Litvack	Lockhart
Mascaro	Mathis	McGee	Menlove
Morgan	Moss	Murray	Newbold
Noel	Oda	Painter	Ray
Romero	Shurtliff	G. Snow	Tilton
Ure	Urquhart	Walker	Wallace
Wheatley	Wheeler	Wiley	Wyatt
Curtis			

### **Absent or not voting were:** Representatives

Buxton Morley

**S.J.R. 13** was signed by the Speaker in open session, in the presence of the House, and returned to the Senate for signature of the President, enrolling and transmission to the Governor.

\* \* \*

On motion of Representative Oda, the House voted to uncircle S.B. 98.

- **S.B. 98**, MOTOR VEHICLE REGISTRATION AND TITLE AMENDMENTS, was before the House on its final passage.
  - **S.B. 98** then passed on the following roll call:

Yeas, 65; Nays, 7; Absent or not voting, 3.

### Voting in the affirmative were: Representatives

Alexander S. Allen Aagard Adams Barrus Bigelow Bourdeaux Bowman **Buttars** Christensen D. Clark S. Clark D. Cox Cosgrove Daw Dayton Donnelson Duckworth Dee Dougall Dunnigan Ferrin Ferry Fisher Fowlke Frank Gibson Goodfellow Hardy Hogue Holdaway Harper Hunsaker B. Johnson Hughes E. Hutchings Jones Kiser Last King Lawrence Lockhart Mascaro Mathis McGee Menlove Murray Newbold

Noel	Oda	Painter	Ray
Romero	Shurtliff	G. Snow	Tilton
Ure	Urquhart	Walker	Wallace
Wheatley	Wheeler	Wiley	Wyatt
Curtis		·	•

Voting in the negative were: Representatives

Biskupski Gowans Hansen Hendrickson

Litvack Morgan Moss

**Absent or not voting were:** Representatives
Becker Buxton Morley

**S.B. 98** was signed by the Speaker in open session, in the presence of the House, and returned to the Senate for signature of the President, enrolling and transmission to the Governor.

#### THIRD READING CALENDAR

**Sub. S.B. 8**, LOCAL CORRIDOR PRESERVATION FUNDING, read the third time by short title and placed on its final passage.

On motion of Representative Lockhart, the House voted to circle **Sub. S.B. 8**.

\* \* \*

- **S.B. 90**, COUNTY OFFICERS SERVING ON BOARDS OF COUNTY MENTAL HEALTH AND SUBSTANCE ABUSE PROVIDERS, read the third time by short title and placed on its final passage.
  - **S.B. 90** then passed on the following roll call:

Yeas, 71; Nays, 0; Absent or not voting, 4.

Aagard	Adams	Alexander	S. Allen
Barrus	Becker	Bigelow	Biskupski
Bourdeaux	Bowman	Buttars	Christensen
D. Clark	S. Clark	Cosgrove	D. Cox
Daw	Dayton	Dee	Donnelson
Dougall	Duckworth	Dunnigan	Ferrin
Ferry	Fisher	Frank	Gibson
Goodfellow	Gowans	Hansen	Hardy
Harper	Hendrickson	Hogue	Holdaway

Hughes	Hunsaker	E. Hutchings	B. Johnson
Jones	King	Kiser	Last
Lawrence	Litvack	Lockhart	Mascaro
Mathis	McGee	Menlove	Morgan
Moss	Murray	Newbold	Noel
Oda	Painter	Ray	Romero
Shurtliff	G. Snow	Tilton	Urquhart
Walker	Wallace	Wheatley	Wheeler
Wiley	Wyatt	Curtis	

### **Absent or not voting were:** Representatives

Buxton Fowlke Morley Ure

**S.B. 90** was signed by the Speaker in open session, in the presence of the House, and returned to the Senate for signature of the President, enrolling and transmission to the Governor.

#### **CONCURRENCE CALENDAR**

On motion of Representative Lockhart, the House voted to concur in the Senate amendments to **H.B. 12**, HEALTH CARE ASSISTANTS.

**H.B. 12**, as amended by the Senate, then passed on the following roll call:

### Yeas, 71; Nays, 0; Absent or not voting, 4.

Aagard	Adams	Alexander	S. Allen
Barrus	Becker	Bigelow	Biskupski
Bourdeaux	Bowman	Buttars	Christensen
D. Clark	S. Clark	Cosgrove	D. Cox
Daw	Dayton	Dee	Donnelson
Dougall	Duckworth	Dunnigan	Ferrin
Ferry	Fisher	Fowlke	Frank
Gibson	Goodfellow	Gowans	Hansen
Hardy	Harper	Hendrickson	Hogue
Hughes	Hunsaker	E. Hutchings	B. Johnson
Jones	King	Kiser	Last
Lawrence	Litvack	Lockhart	Mascaro
Mathis	McGee	Menlove	Morgan
Moss	Murray	Newbold	Noel
Oda	Painter	Ray	Romero

Shurtliff	G. Snow	Tilton	Ure
Urquhart	Walker	Wheatley	Wheeler
Wiley	Wyatt	Curtis	

**Absent or not voting were:** Representatives

Buxton Holdaway Morley Wallace

**H.B. 12**, as amended by the Senate, transmitted to the Senate for signature of the president.

#### MISCELLANEOUS BUSINESS

On motion of Representative Alexander, under suspension of the rules, the House voted to move to the House Third Reading Calendar.

#### THIRD READING CALENDAR

**H.B. 45**, ASSESSMENT OF PROPERTY AFFECTED BY BUSINESS INTERRUPTION, read the third time by short title and placed on its final passage.

On motion of Representative Hughes, the House voted to delete **H.B. 45** in title and body and insert **Sub. H.B. 45** in lieu thereof.

On motion of Representative Hughes, the House voted to circle **Sub. H.B. 45**.

\* \* \*

- **H.B. 225**, BOAT REGISTRATION FEE, read the third time by short title and placed on its final passage.
  - **H.B. 225** then failed to pass on the following roll call:

Yeas, 30; Nays, 37; Absent or not voting, 8.

S. Allen	Becker	Biskupski	Bourdeaux
Bowman	Buttars	S. Clark	Cosgrove
D. Cox	Fowlke	Goodfellow	Gowans
Hansen	Hendrickson	Hunsaker	E. Hutchings
B. Johnson	King	Last	Litvack
Mathis	McGee	Menlove	Moss
Painter	Romero	Shurtliff	G. Snow
Wheatley	Wiley		

Voting	in	the	negative	were:	Re	presentatives
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Aagard	Adams	Alexander	Barrus
Christensen	D. Clark	Daw	Dayton
Dee	Donnelson	Dougall	Duckworth
Dunnigan	Ferrin	Ferry	Fisher
Frank	Gibson	Hardy	Hogue
Hughes	Jones	Kiser	Lawrence
Mascaro	Morgan	Murray	Newbold
Noel	Oda	Ray	Tilton
Ure	Urquhart	Walker	Wheeler
Wwatt			

Wyatt

### **Absent or not voting were:** Representatives

Bigelow	Buxton	Harper	Holdaway
Lockhart	Morley	Wallace	Curtis

H.B. 225 was filed

\* \* \*

**H.B. 93**, EMISSION INSPECTION AMENDMENTS, read the third time by short title and placed on its final passage.

On motion of Representative Gibson, the House voted to delete **H.B. 93** in title and body and insert **Sub. H.B. 93** in lieu thereof.

Representative Alexander proposed the following amendment:

1. Page 1, Lines 12 through 15

- 12 \rightarrow \{\text{-repeals the requirement that}\} \text{\text{allows a}} \text{\text{county legislative body to require}} \text{college students and employees} \text{who park on a college}
- 13 or university campus a motor vehicle that is not registered in a county subject to
- 14 emissions inspections  $\{-\text{are required}-\}$  to provide proof of compliance with an
- 15 emissions inspection; and
- 2. Page 4, Line 90 through Page 5, Line 123:
  - 90 {—[—] (5) (a) {—Each—} The legislative body of each county required under federal law to utilize a motor vehicle

emissions in	spection a	and m	ainte	enance pro	ogram or ii	n whi	ch an e	missions
inspection a	nd mainte	enanc	e pr	ogram is	necessary	to att	ain or	maintain
any national	ambient a	air qu	ality	standard	may requi	re ea	ch c	ollege or
university	located	in	a	county	subject	to	this	section
{ <del>-shall</del> -}	<u>to</u>							

- 91 require its students and employees who park a motor vehicle not registered in a county subject
- 92 to this section to provide proof of compliance with an emissions inspection accepted by the
- 93 county legislative body if the motor vehicle is parked on the college or university campus or
- 94 property.  $\{--\}$
- 95  $\{---\}$  (b) College or university parking areas that are metered or for which payment is
- 96 required per use are not subject to the requirements of this Subsection (5).  $\{-\frac{1}{2}-\frac{1}{2}\}$
- 97  $\{---\}$  (6)  $\{---\}$   $\{--(5)\}$  (a) An emissions inspection station shall issue a certificate of emissions
- 98 inspection for each motor vehicle that meets the inspection and maintenance program
- 99 requirements established in rules made under Subsection (2).
- 100 (b) The frequency of the emissions inspection shall be determined based on the age of
- 101 the vehicle as determined by model year and shall be required annually subject to the
- 102 provisions of Subsection  $\{--\}$  (6)  $\{--\}$   $\{-(5)\}$  (c)
- 103 (c) (i) To the extent allowed under the current federally approved state implementation
- 104 plan, in accordance with the federal Clean Air Act, 42 U.S.C. Sec. 7401 et seq., the legislative
- 105 body of a county identified in Subsection (1) shall only require the emissions inspection every
- 106 two years for each vehicle.
- 107 (ii) The provisions of Subsection  $\{-\frac{1}{2}\}$  (6)  $\{-\frac{1}{2}\}$   $\{-\frac{5}{2}\}$  (c)(i) apply only to a vehicle that is less than

108 six years old on January 1.
109 (d) If an emissions inspection is only required every two years for a vehicle under
110 Subsection $\{\}$ (6) $\{\}$ $\{(5)\}$ (c), the inspection shall be required for the vehicle in:
111 (i) odd-numbered years for vehicles with odd-numbered model years; or
112 (ii) in even–numbered years for vehicles with even–numbered model years.

113  $\{---\}$  (7)  $\{----\}$   $\{----(6)\}$  The emissions inspection shall be required within the same time limit

114 applicable to a safety inspection under Section 41–1a–205.

115  $\{---\}$  (8)  $\{----\}$   $\{--(7)$  } (a) A county identified in Subsection (1) shall collect information about and

116 monitor the program.

117 (b) A county identified in Subsection (1) shall supply this information to an appropriate

118 legislative committee, as designated by the Legislative Management Committee, at times

119 determined by the designated committee to identify program needs, including funding needs.

120  $\{--\}$  (9)  $\{--\}$   $\{--(8)\}$  If approved by the county legislative body, a county that had an established

121 emissions inspection fee as of January 1, 2002, may increase the established fee that an

122 emissions inspection station may charge by \$2.50 for each year that is exempted from

123 emissions inspections under Subsection  $\{-\frac{1}{2}\}$  (6)  $\{-\frac{1}{2}\}$  (c) up to a \$7.50 increase.

Representative Alexander's motion to amend failed on a voice vote.

#### ###

Representative Tilton proposed the following amendment:

1. Page 2, Line 38: Delete "(6)" and insert "(5)"

Representative Tilton's motion to amend passed on a voice vote.

**Sub. H.B. 93**, as amended, then passed on the following roll call:

### Yeas, 59; Nays, 7; Absent or not voting, 9.

#### **Voting in the affirmative were:** Representatives

Aagard	Alexander	S. Allen	Barrus
Bigelow	Bowman	Buttars	Christensen
D. Clark	S. Clark	D. Cox	Daw
Dayton	Dee	Donnelson	Dougall
Duckworth	Ferrin	Ferry	Fisher
Fowlke	Frank	Gibson	Gowans
Hansen	Harper	Hogue	Holdaway
Hughes	Hunsaker	E. Hutchings	B. Johnson
Jones	King	Kiser	Last
Lawrence	Mascaro	Mathis	Menlove
Morgan	Moss	Murray	Newbold
Noel	Oda	Painter	Ray
Romero	Shurtliff	G. Snow	Tilton
Ure	Urquhart	Walker	Wallace
Wheeler	Wiley	Wyatt	

### Voting in the negative were: Representatives

Becker Bourdeaux Cosgrove Dunnigan Goodfellow McGee Wheatley

### **Absent or not voting were:** Representatives

Adams Biskupski Buxton Hardy Hendrickson Litvack Lockhart Morley

Curtis

**Sub. H.B. 93**, as amended, transmitted to the Senate for its consideration.

\* \* \*

- **H.B. 4**, DIVORCE MEDIATION PROGRAM, read the third time by short title and placed on its final passage.
  - **H.B. 4**, as amended, then passed on the following roll call:

### Yeas, 65; Nays, 5; Absent or not voting, 5.

# **Voting in the affirmative were:** Representatives

Adams	Alexander	S. Allen
Becker	Bigelow	Biskupski
Buttars	Christensen	D. Clark
Cosgrove	D. Cox	Daw
Dee	Donnelson	Dougall
Dunnigan	Ferry	Fisher
Gibson	Goodfellow	Gowans
Hardy	Harper	Hendrickson
Holdaway	Hunsaker	E. Hutchings
Jones	King	Kiser
Lawrence	Lockhart	Mascaro
McGee	Menlove	Morgan
Murray	Noel	Oda
Ray	Romero	Shurtliff
Tilton	Ure	Urquhart
Wheatley	Wheeler	Wiley
	Becker Buttars Cosgrove Dee Dunnigan Gibson Hardy Holdaway Jones Lawrence McGee Murray Ray Tilton	Becker Bigelow Buttars Christensen Cosgrove D. Cox Dee Donnelson Dunnigan Ferry Gibson Goodfellow Hardy Harper Holdaway Hunsaker Jones King Lawrence Lockhart McGee Menlove Murray Noel Ray Romero Tilton Ure

**Voting in the negative were:** Representatives

Bourdeaux Frank Litvack Newbold

Walker

**Absent or not voting were:** Representatives

Buxton Ferrin Hughes Morley

Curtis

**H.B. 4**, as amended, transmitted to the Senate for its consideration.

#### RULES COMMITTEE REPORT

Mr. Speaker: February 9, 2005

The Rules Committee has ordered the following House bills printed and recommends the following bills and resolutions be assigned to standing committees:

### **BUSINESS AND LABOR**

H.C.R. 13 Concurrent Resolution Promoting Utah Saves Strategic

Initiative (Rep. D. Hogue)

**H.R. 9** House Resolution Discouraging Participation in Free

Trade Areas of the Americas (Rep. G. Donnelson)

#### **GOVERNMENT OPERATIONS**

**H.B. 166** Utah Indoor Clean Air Act Amendments (Rep. P. Ray)

#### HEALTH AND HUMAN SERVICES

**H.J.R. 19** Joint Resolution Urging Health Care for Utah's Indigent

and Needy Uninsured (Rep. L. Fowlke)

**H.R. 10** Resolution Supporting Participation of Taiwan in World

Health Organization (Rep. B. Last)

**S.B. 126** Medical Benefits Recovery Act Amendments

(Sen. S. Killpack)

#### JUDICIARY

**H.B. 123** Restrictions of Advertising Illegal Activities

(Rep. S. Wyatt)

**H.J.R. 17** Resolution Honoring Celebration of Marriage Week

(Rep. L. Fowlke)

**S.B. 14** Uniform Parentage Act (Sen. L. Hillyard)

#### LAW ENFORCEMENT AND CRIMINAL JUSTICE

**H.C.R. 14** Concurrent Resolution Honoring America's Military War

Dogs (Rep. S. Mascaro)

**1st Sub. S.B. 135** Drug Courts Pilot Project (Sen. L. Hillyard)

### NATURAL RESOURCES, AGRICULTURE AND ENVIRONMENT

**H.B. 246** Waste Fees Amendments (Rep. S. Urquhart)

#### POLITICAL SUBDIVISIONS

**H.C.R. 3** Resolution Regarding Washington County Waste Facility

(Rep. B. Last)

**S.B. 136** Justice Court Operations Amendments (Sen. E. Mayne)

#### REVENUE AND TAXATION

S.B. 53 Land Value Property Tax Study (Sen. H. Stephenson)

**S.B. 54** Property Tax Confidentiality Amendments

(Sen. H. Stephenson)

**S.B. 121** Property Tax Exemption Amendments (Sen. C. Bramble)

### TRANSPORTATION

**H.B. 299** Motor Vehicle Business Licensing Amendments (Rep. P. Ray)

Rebecca Lockhart, Chair

Report filed. On motion of Representative Lockhart, the report of the Rules Committee was adopted.

#### MISCELLANEOUS BUSINESS

On motion of Representative Alexander, the House voted to adjourn until February 10, 2005, at 10:00 a.m.

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	Read the second time 5 Read the third time 10	
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	Read the second time 2 Read the third time 4	10
	Circled         4           Uncircled         6	60
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THE TENE	Read the first time by short title and referred to the Rules Committee. 2 Assigned to standing committee 20	13
H.J.R. 8 — JOINT	Read the first time by short title and referred to the Rules Committee. 2	
	Read the second time     2       Read the third time     4	4
	Circled	1
	Uncircled	60
HIR 9 RESOL	Signed by the Speaker and transmitted to the Governor	.7
III	Read the first time by short title and referred to the Rules Committee. 2 Read the second time 2	
	Read the third time 4 Circled 41,6	1
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	Circled         4           Uncircled         13	1
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	Jones) Read the first time by short title and referred to the Rules Committee	12
	Assigned to standing committee 13 Amendments 36	6
H.I.D. 12 DEGG	Read the second time	0
H.J.K. 12 RESU	LUTION ELIMINATING PROPERTY TAX ON PERSONAL PROPERTY ( <i>J. Dougall</i> )  Read the first time by short title and referred to the Rules Committee	
H.J.R. 13 RESO	LUTION SUPPORTING NATIONAL BEAR RIVER HERITAGE AREA ACT (C. Buttars) Read the first time by short title and referred to the Rules Committee	6
H.J.R. 14 — RESO	LUTION ESTABLISHING REDISTRICTING COMMISSION (R. McGee)  Read the first time by short title and referred to the Rules Committee	
H.J.R. 15 RESO	LUTION REGARDING UNITED STATES TRADE NEGOTIATIONS (S. Allen) Read the first time by short title and referred to the Rules Committee. 30	

Assigned to standing committee 495 Read the second time 580
H.J.R. 16 — JOINT RESOLUTION RELATED TO THE UTAH ATHLETIC FOUNDATION (D. Ure)  Read the first time by short title and referred to the Rules Committee
H.J.R. 17 — RESOLUTION HONORING CELEBRATION OF MARRIAGE WEEK (L. Fowlke)  Read the first time by short title and referred to the Rules Committee. 307  Assigned to standing committee 668
H.J.R. 18 — JOINT RESOLUTION SUPPORTING COUNTIES EXPANSION OF CORRECTIONAL FACILITIES (D. Hogue)  Read the first time by short title and referred to the Rules Committee
H.J.R. 19 — JOINT RESOLUTION URGING HEALTH CARE FOR UTAH'S INDIGENT AND NEEDY UNINSURED (L. Fowlke Read the first time by short title and referred to the Rules Committee
<b>H.J.R. 20</b> — MASTER STUDY RESOLUTION ( <i>J. Alexander</i> )  Read the first time by short title and referred to the Rules Committee
H.J.R. 21 — RESOLUTION HONORING JADE PUSEY (D. Ure)         Read the first time by short title and referred to the Rules Committee.       481         Read the second time       495         Time Certain       495         Read the third time       533         Transmitted to the Senate       534         Signed by the Speaker and transmitted to the Governor       572
H.R. 1 — HOUSE RULES RESOLUTION – LOBBYIST CODE OF ETHICS AMENDMENTS (D. Ure)  Read the first time by short title and referred to the Rules Committee
H.R. 2 — RESOLUTION SUPPORTING PERMANENT REPEAL OF FEDERAL INHERITANCE TAX (M. Morley)  Read the first time by short title and referred to the Rules Committee
H.R. 3 — RESOLUTION SUPPORTING CONGRESSIONAL PRIVATIZATION OF SOCIAL SECURITY (M. Morley)  Read the first time by short title and referred to the Rules Committee. 2:  Assigned to standing committee .88  Amendments .183  Read the second time .184  Read the third time .401  Signed by the Speaker and transmitted to the Lt. Governor .402
H.R. 4 — RESOLUTION URGING UNITED STATES SENATE SUPPORT OF PRESIDENT'S SUPREME COURT NOMINEES $(M. Morley)$ 56         Read the first time by short title and referred to the Rules Committee.       56         Assigned to standing committee       88         Read the second time       184         Read the third time       402         Signed by the Speaker and transmitted to the Lt. Governor       403
H.R. 5 — HOUSE RULES RESOLUTION – ORAL DECLARATION OF CONFLICT OF INTEREST (D. Ure)         Read the first time by short title and referred to the Rules Committee.       56         Amendments       72         Read the second time       74         Read the third time       162         Circled       162
H.R. 6 — HOUSE RULES RESOLUTION – ELECTRONIC VOTING BOARD (D. Ure)         Read the first time by short title and referred to the Rules Committee.       56         Read the scoond time       74         Read the third time       162         Circled       162         Uncircled       592         Amendments       592         Failed       594
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H.R. 8 — RESOLUTION ENCOURAGING STATE RESEARCH UNIVERSITIES TO FOCUS ON ENHANCING STATE TRUST LANDS (E. Hutchings)  Read the first time by short title and referred to the Rules Committee
H.R. 9 — HOUSE RESOLUTION DISCOURAGING PARTICIPATION IN FREE TRADE AREAS OF THE AMERICAS (G. Donnelson)  Read the first time by short title and referred to the Rules Committee
Assigned to standing committee

H.R. 11 — RESOL	UTION URGING CONGRESS TO PASS BALANCED BUDGET AMENDMENT (N. Hansen)  Read the first time by short title and referred to the Rules Committee.	307
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	Assigned to standing committee Read the second time	354 574
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	Read the third time	
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<b>S.B. 7</b> — FUNDIN	G FOR TOURISM (S. Jenkins)	
	Read the first time by short title and referred to Rules Committee	
	Assigned to standing committee  Read the second time	
	Referred to Rules Committee due to fiscal impact	
1ct Sub S R S	LOCAL CORRIDOR PRESERVATION FUNDING (S. Killpack)	
1st Sub. S.D. 6	Read the first time by short title and referred to Rules Committee	391
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	Read the second time	585
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SR 11 INITIAT	TIVE PETITIONS AMENDMENTS (B. Evans)	
5. <b>D.</b> 11 — IVIIIAI	Read the first time by short title and referred to Rules Committee	126
	Assigned to standing committee	136
	Read the second time Read the third time	184
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	Circled Uncircled	204
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	Referred to Rules Committee due to fiscal impact	584
CD 16 DEDAR	TMENT OF WORKFORCE SERVICES – ACCESS TO FINANCIAL RECORDS (S. Jenkins)	
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	Read the third time	231
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	R CARE CITIZEN REVIEW BOARD (D. Eastman)	
	Read the first time by short title and referred to the Rules Committee	. 51

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	Read the third time	197
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	Read the second time Read the third time	184
	Read the third time	227
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S.B. 21 — LIMITAT	TION ON LIABILITY REGARDING LIQUEFIED PETROLEUM GAS (D. Eastman)	
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	Uncircled	
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	Returned to the Senate	
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<b>S.B. 22</b> — DRUG (	OFFENDER REFORM ACT (D. C. Buttars)	
	Read the first time by short title and referred to Rules Committee	
	Assigned to standing committee  Read the second time	
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	Read the second time Read the third time	200
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	Read the second time	
	Read the third time	396
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	Read the second time	470
	Read the third time	6/11
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	Read the second time	
	Read the third time	
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S.B. 47 WRONG	GFUL LIEN OFFENSES (B. Evans)	
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	Read the first time by short title and referred to Rules Committee	652
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an nnonn		
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	Read the first time by short title and referred to Rules Committee	432
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CD 74 MEDIC	AL RESERVE CORPS (L. Hillyard)	
5.B. 74 MEDICA	Read the first time by short title and referred to Rules Committee	571
	Assigned to standing committee	603
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	Read the second time	
	Read the third time	229
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<b>S.B. 100</b> — ACCES	S TO HIGH SPEED INTERNET AT STATE CAPITOL COMPLEX (S. Killpack) Read the first time by short title and referred to Rules Committee Read the second time Read the third time Signed by the Speaker and returned to the Senate	. 38 . 39
S.B. 101 — UTAH A	ADMINISTRATIVE RULEMAKING ACT REVISION (H. Stephenson) Read the first time by short title and referred to Rules Committee Assigned to standing committee Read the second time Placed on calendar Read the third time Signed by the Speaker and returned to the Senate	. 89 184 310 400
S.B. 103 — LIENS	ON AIRCRAFT (T. Hatch) Read the first time by short title and referred to Rules Committee Assigned to standing committee Read the second time Read the third time Signed by the Speaker and returned to the Senate	206 434 640
1st Sub. S.B. 104	- JUDICIARY AMENDMENTS ( <i>L. Hillyard</i> )  Read the first time by short title and referred to Rules Committee  Assigned to standing committee  Read the second time	404
1st Sub. S.B. 106 —	-UTAH RELIGIOUS LAND USE ACT (D. Thomas) Read the first time by short title and referred to Rules Committee Assigned to standing committee Amendments Read the second time Read the third time Returned to the Senate	404 526 527 643
S.B. 107 — LICEN	SURE AND REGULATION OF PROGRAMS AND FACILITIES (T. Hatch) Read the first time by short title and referred to Rules Committee Assigned to standing committee Read the second time Referred to Rules Committee due to fiscal impact	446 579
	-TELECOMMUNICATIONS REVISIONS (C. Bramble) Read the first time by short title and referred to Rules Committee Assigned to standing committee Read the second time Read the third time Signed by the Speaker and returned to the Senate	404 580 648
2nd Sub. S.B. 110 -	- MEDICAL DEVICE NOTIFICATION AND LIABILITY (D. C. Buttars) Read the first time by short title and referred to Rules Committee	525
S.B. 115 PERMA	NENT TOTAL DISABILITY AMENDMENTS (E. Mayne) Read the first time by short title and referred to Rules Committee Assigned to standing committee Read the second time Read the third time Circled	316 574 647
<b>S.B. 116</b> — ARBIT	RATION – USE OF SUBPOENA AUTHORIZED (D. Eastman) Read the first time by short title and referred to Rules Committee Assigned to standing committee Read the second time	404
S.B. 117 — REPEA	L OF UTAH TOMORROW STRATEGIC PLANNING COMMITTEE (M. Waddoups)  Read the first time by short title and referred to Rules Committee  Assigned to standing committee  Read the second time  Read the third time  Signed by the Speaker and returned to the Senate	404 528 646

S.B. 118 IDENT	ITY FRAUD AMENDMENTS (C. Walker)			
	Read the first time by short title and referred to Rules Committee	356		
	Assigned to standing committee	404 638		
CD 110 DUDAI	. MEDICAL RESIDENCY TRAINING PROGRAMS (P. Knudson)			
<b>5.B.</b> 119 KUKAI	Read the first time by short title and referred to Rules Committee	571		
	Assigned to standing committee	604		
S.B. 120 — ALLOC	CATION OF PROFITS FROM SCHOOL AND INSTITUTIONAL TRUST LANDS (T. Hatch)			
	Read the first time by short title and referred to Rules Committee			
	Assigned to standing committee Amendments	403		
	Read the second time			
C D 131 DDODE	RTY TAX EXEMPTION AMENDMENTS (C. Bramble)	00,		
5.B. 121 PROPE	Read the first time by short title and referred to Rules Committee	652		
	Assigned to standing committee			
1st Sub. S.B. 122	- RESIDENT TUITION STATUS FOR JOB CORPS STUDENTS (G. Bell)			
	Read the first time by short title and referred to Rules Committee			
	Assigned to standing committee	354		
S.B. 123 — GOVEI	RNMENTAL IMMUNITY ACT – TECHNICAL AMENDMENTS (G. Bell)			
	Read the first time by short title and referred to Rules Committee			
	Assigned to standing committee  Read the second time	528		
CD 125 AMENI	DMENTS TO INDIVIDUAL INCOME TAX CREDIT FOR SPECIAL NEEDS ADOPTIONS (P. Hellewell)	520		
5.B. 125 AIVIEN	Read the first time by short title and referred to Rules Committee	432		
	Assigned to standing committee	447		
S.B. 126 MEDIC	CAL BENEFITS RECOVERY ACT AMENDMENTS (S. Killpack)			
	Read the first time by short title and referred to Rules Committee	637		
	Assigned to standing committee	668		
S.B. 128 CALCU	JLATION OF INTEREST ON TAX OVERPAYMENTS (H. Stephenson)			
	Read the first time by short title and referred to Rules Committee	432		
	Assigned to standing committee			
C D 120 DDINE	SHRIMP ROYALTY ACT AMENDMENTS (T. Hatch)	570		
5.B. 129 DKINE	Read the first time by short title and referred to Rules Committee	432		
	Assigned to standing committee			
S.B. 130 RETIRI	EMENT FOR AIRPORT POLICE (M. Dmitrich)			
	Read the first time by short title and referred to Rules Committee	571		
	Assigned to standing committee	604		
<b>S.B. 131</b> — AUTHO	DRIZATION FOR ADDITIONAL JUDICIAL POSITION (M. Madsen)			
	Read the first time by short title and referred to Rules Committee			
G D 122 D D D D D	•	/		
<b>S.B.</b> 133 — INDIVI	DUAL INCOME TAX – RETURN FILING REQUIREMENTS (H. Stephenson) Read the first time by short title and referred to Rules Committee	432		
	Assigned to standing committee	495		
	Read the second time	596		
1st Sub. S.B. 135	- DRUG COURTS PILOT PROJECT (L. Hillyard)			
	Read the first time by short title and referred to Rules Committee	652		
	Assigned to standing committee	668		
S.B. 136 — JUSTIC	CE COURT OPERATIONS AMENDMENTS (E. Mayne)			
	Read the first time by short title and referred to Rules Committee			
CCD 1 DESOI	UTION ENCOURAGING MANAGED LANES STUDY (C. Walker)			
S.C.K. I KESOL	Read the first time by short title and referred to Rules Committee	. 38		
	Assigned to standing committee	. 63		
	Read the second time			
	Read the third time			
CCD 2 DECOI	UTION HONORING SEARCHERS (L. Hillyard)	22)		
S.C.K. 3 KESOL	Read the first time by short title	. 30		
	Read the second time	. 30		
	Read the third time			
	Signed by the Speaker and transmitted to the Governor	. 31		
S.C.R. 4 — RESOLUTION APPROVING UTAH RECREATIONAL LAND EXCHANGE (B. Evans)				
	Read the first time by short title and referred to Rules Committee			
	Read the second time	581		
	Read the third time	657		
	Signed by the Speaker and returned to the Senate	658		

S.J.R. 1 — JOINT	RESOLUTION APPROVING APPOINTMENT OF LEGISLATIVE AUDITOR GENERAL (J. Valentine) Read the first time by short title and referred to Rules Committee	38 39
S.J.R. 3 — RESOL	Signed by the Speaker and returned to the Senate   Street	56 17 92 29
S.J.R. 4 — JOINT	RULES RESOLUTION – INTERIM RULES RECODIFICATION (M. Waddoups)       12         Read the first time by short title and referred to Rules Committee       13         Read the second time       13         Read the third time       19         Circled       19         Uncircled       22         Signed by the Speaker and returned to the Senate       22	37 97 97 28
S.J.R. 5 — RESOL	UTION APPROVING CONTRACT FOR STATE CAPITOL RENOVATION (L. A. Mansell)  Read the first time by short title and referred to Rules Committee	50 51
S.J.R. 6 — SPACE	EXPLORATION RESOLUTION ( <i>P. Knudson</i> )         35           Read the first time by short title and referred to Rules Committee         46           Assigned to standing committee         52           Read the second time         52           Read the third time         64           Circled         64	)5 27 15
S.J.R. 7 — RESOL	UTION RECOGNIZING RONALD REAGAN DAY (P. Knudson)         52           Read the first time by short title and referred to Rules Committee         53           Read the second time         53           Read the third time         53           Signed by the Speaker and returned to the Senate         53	88 88
1st Sub. S.J.R. 8	- JOINT RULES RESOLUTION – APPEARANCE OF BILLS (C. Bramble) Read the first time by short title and referred to Rules Committee	/1
S.J.R. 10 — RESO	LUTION TO CONGRESS REGARDING OIL AND GAS DRILLING AND EXPLORATION (H. Stephenson) Read the first time by short title and referred to Rules Committee	
S.J.R. 13 — JOINT	RESOLUTION AMENDING INTERIM LEGISLATIVE RULES (M. Waddoups)         52           Read the first time by short title and referred to Rules Committee         53           Read the second time         63           Gard the third time         63           Circled         63           Uncircled         65           Signed by the Speaker and returned to the Senate         65	39 39 39 58